



## Montana Fish, Wildlife & Parks

### Proposed Fishing Regulation Changes – 2012-2015

Approved by the FWP Commission on August 17, 2011 for public comment.

Public comment period August 19-September 19, 2011

*Note: new language is in italics. Deleted language is indicated by strikethrough.*

#### WESTERN DISTRICT

DELETE – page 25

##### **BEAVERTAIL POND**

- ~~Bass: 3 daily and in possession, none over 12 inches.~~

Rationale: This bass fishery has only been sustained by the movement of live fish from Lee Metcalf Wildlife Refuge. Management objectives have changed to focus on the successful trout fishery and the movement of bass will no longer occur. Without the movements, the fishery will cease as fish die out making this regulation no longer necessary.

CHANGE –page 25

##### **BIG CREEK AND TRIBUTARIES (tributary to North Fork Flathead River)**

- Closed entire year

##### **Mouth of Big Creek**

- Angling is closed within a 150-yard radius of the stream mouth ~~or as posted~~ June 1 through September 30 *unless posted at a greater distance.*

Rationale: The current closure with the phrase “or as posted” has caused problems in the past because the distance from posted signs to the stream mouth changes as water levels in the North Fork and Big Creek change and problems with enforcement have occurred because signs have been moved or torn down. The proposed wording will make it clear that 150 yards is the minimal distance, regardless of the absence/presence of signs. The need for this change is due to the fact that anglers persist in trying to fish for pre-spawn bull trout staged at the mouth of Big Creek, and game wardens continue to issue citations to anglers fishing the hole. The location of the hole changes each year, so the need to be able to base the closure on a distance greater than 150 yards allows the closure to fully protect the staged bull trout.

**BITTERROOT RIVER (note: river flows south to north)**

**Ditches, canals and sloughs between US 93 and east side highway, and between Hamilton and the Florence Bridge.**

- Regulations are the same as the adjacent river section

**Bitterroot River from confluence of the East and West Forks to the mouth, West Fork Bitterroot River downstream from Painted Rocks Dam, and East Fork Bitterroot River downstream from Star Falls.**

- Extended season for northern pike and whitefish and catch-and-release for trout open December 1 to third Saturday in May with aquatic insects, maggots and/or artificial lures only.
- *Catch-and-release for cutthroat trout*

~~**West Fork Bitterroot River above Painted Rocks Reservoir**~~

- ~~• Catch and release for cutthroat trout~~

~~**Painted Rocks Dam to the mouth of West Fork Bitterroot River downstream from Painted Rocks Dam**~~

- ~~• Catch and release for cutthroat trout~~
- Combined Trout Limit: 3 rainbow or brown trout daily and in possession. *Catch-and-release for rainbow trout.*

**East Fork Bitterroot River downstream from Star Falls**

- *Combined Trout Limit: 3 brown trout daily and in possession. Catch-and-release for rainbow trout.*

~~**One mile downstream of Darby Bridge to Star Falls on the East Fork Bitterroot River from confluence of East and West Forks to Woodside Bridge**~~

- ~~• Catch and release for cutthroat trout~~
- Combined Trout Limit: 3 rainbow or brown trout daily and in possession, only 1 over 14 inches.

~~**One mile downstream from Darby Woodside Bridge to Como Bridge Florence Bridge**~~

- Catch-and-release for all trout
- Artificial lures only

~~**Como Bridge to Tucker crossing**~~

- ~~• Catch and release for cutthroat trout~~
- ~~• Combined Trout Limit: 3 rainbow or brown trout daily and in possession, only 1 over 14 inches.~~

~~**Tucker Crossing to Florence Bridge**~~

- ~~• Catch and release for all trout~~
- ~~• Artificial lures only~~

**Florence Bridge to mouth of Bitterroot River**

- ~~• Catch and release for cutthroat trout~~
- Combined Trout Limit: 3 rainbow or brown trout daily and in possession, only 1 over 14 inches.

Rationale: The proposed regulation manages for trout species where they do best, provides angling for a diverse trout community and for harvest and catch-and-release. In the Bitterroot River above Hamilton (including the Forks), cutthroat trout have responded

well to catch-and-release regulations. Brown and rainbow trout have not responded to catch-and-release regulations in a five mile section above Hamilton. To promote the unique native fishery in the upper river, brown trout limits will be increased in response to their expansion, and rainbow trout limits will be reduced for much of the upper Bitterroot to protect declining populations. In the Bitterroot River from Hamilton to Florence, the converse is true to the upper river – brown and rainbow trout have increased with catch-and-release regulations whereas cutthroat have not. Therefore, to promote the brown and rainbow fishery, the ineffective 5 mile catch-and-release section near Darby is replaced with a 5-mile section from Woodside to Tucker. As a result, it is expected that there will be 29 miles of effective catch-and-release for brown and rainbow trout whereas there was only 24 miles of effective area before (5 miles was ineffective). The overall mileage of catch-and-release for all trout remains very similar, at about 29 miles. Catch-and-release for cutthroat trout did not result in a significant change in cutthroat numbers in the West Fork above Painted Rocks Reservoir. Therefore, this exception to the regulations is removed.

These proposed changes are generally in line with sentiments expressed during the Public Scoping Process. Anglers were asked if they would support expanding harvest on brown trout populations in the Bitterroot River, Rock Creek and the Clark Fork River. 19 respondents gave either a “yes” or “qualified yes” answer to this question, while 11 respondents said “no.” When asked if anglers were in favor of simplifying regulations in Region 2 (and in the Bitterroot in particular), 16 respondents gave a “yes” or “qualified yes” answer, compared to 9 respondents who gave a “no” or “qualified no” answer. Meetings and discussions with the public have also indicated general support for this proposal.

## NEW

### **BUFFALOHEAD POND**

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 5 trout daily, 10 in possession.*

### **DRY BRIDGE POND**

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

### **NINEPIPES POND**

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 5 trout daily and in possession, only 1 over 14 inches. A Flathead Indian Tribal Permit is required to fish on Ninepipes Pond.*

### **PINE GROVE POND**

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

### **SHADY LANE POND**

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

### **TROY POND**

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

### **EUREKA POND**

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 1 trout daily and in possession.*

Rationale: These ponds have been voluntarily operated under these regulations for a number of years, under the premise that allowing everyone to fish encourages more families to visit and to stay longer. Compliance has been high but enough transgressions have occurred (adults harvesting fish, some anglers taking overlimits) to make those abiding by the intent unhappy. In addition, FWP Enforcement finds it difficult to deal with someone unwilling to abide by a voluntary regulation. Therefore, FWP proposes to remove the voluntary aspect of management of these seven ponds in Region 1.

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DELETE – page 29

**~~CALLAHAN CREEK AND TRIBUTARIES(Kootenai River drainage)~~**

**~~Includes North Callahan and South Callahan creeks~~**

- ~~• Combined trout: 3 daily and in possession, none over 10 inches.~~

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**~~EAST FORK YAAK RIVER AND TRIBUTARIES~~**

- ~~• Combined trout: 3 daily and in possession, none over 10 inches.~~

Rationale: These regulations were originally proposed due to concern over the status of redband trout, which have diminished historically in range and distribution. Subsequent sampling has found redband trout to be locally abundant and to have a wider distribution in these drainages than originally thought. Restrictive harvest in these drainages is therefore no longer warranted. These changes will return the regulations to Standard Western District stream limits (Combined Trout: 5 daily and in possession, only one over 14 inches).

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CHANGE – page 33

**FLATHEAD RIVER**

**Flathead Indian Reservation boundary to mouth**

- Open entire year
- ~~• Northern pike: 5 daily and in possession, must be over 24 inches.~~
- Bass: Open entire year, 5 daily and in possession, no size limit.

Rationale: The proposed change for pike will simplify and standardize the limits, as it will return the regulation to the Western Fishing District standard limit (15 pike daily and in possession). The District standard is also in effect for the Clark Fork River downstream of the confluence with the Flathead River. The existing limit is the same as the Flathead Indian Reservation limit upstream. With this change, anglers floating down from the Reservation will have kept pike under a more restrictive limit that would be allowable under the standard limit. The change to a more liberal limit is also supportive of bull trout recovery efforts in the lower Clark Fork River by encouraging harvest of a potential predator. The bass exception is at the request of the Confederated and Salish and Kootenai Tribes and is designed to standardize the regulation with the Reservation upstream and lessen the potential for violations. Currently, anglers floating down to the FAS downstream of the Reservation Boundary could be in violation of the regulations during the spawning season (third Saturday in May through June 30), when the District-wide standard allows for only 1 daily and in possession, must be over 22 inches..

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DELETE – page 34

#### **FOY LAKE**

- ~~Snagging open for salmon September 15 through November 30~~

Rationale: The regulation arose because salmon schooled along one shoreline for a few years and anglers asked for a snagging season. However, in recent years there has been no evidence a salmon snagging opportunity exists or is used by anglers. This proposal therefore eliminates an unnecessary regulation exception. It also eliminates a method (snagging) that can target other species, and spawning kokanee can be still be fished for using other methods.

CHANGE – page 34

#### **FRENCHTOWN POND**

- Bass: ~~3 daily and in possession, none over 12 inches.~~ *Catch-and-release for bass.*

Rationale: The current regulation does not adequately protect the quality of the fishery at this popular family fishing pond. Since this is a stocked pond, the new regulation will balance the supply of stocked fish and the angling pressure.

CHANGE-page 34

#### **GEORGETOWN LAKE**

**(see special season exception for the South and East Shorelines)**

- Open third Saturday in May through March 31, except for the South and East shoreline area which is only open July 1 through March 31. *South and East shorelines area described as follows: all waters from the shore or within 100 yards of shore in the area extending from a point 200 yards west of Denton's Point Marina (along the shore, including all of Stuart Mill Bay) to a point 200 yards north from the mouth of North Fork Flint Creek.*
- Salmon: no daily or possession limit
- Combined trout, *includes brook trout*: 5 daily and in possession, ~~only two of which may be brook trout~~ *of which no more than 2 may be brook trout.*
- ~~Closed to fishing from shore or within 100 yards of the shore April 1 through June 30. The closed area extends from a point 200 yards west of Denton's Point Marina (along the shore, including all of Stuart Mill Bay) to a point 200 yards north from the mouth of North Fork Flint Creek.~~

#### **Tributaries to Georgetown Lake (Hardtla, North Fork Flint, and Stuart Mill creeks)**

- Open July 1 through November 30
- Catch-and-release for brook trout
- *Emily Springs: Closed entire year*

Rationale: These proposed changes are strictly for clarification purposes. The shoreline closure on the south and east shorelines of Georgetown Lake protect vulnerable spawning rainbow trout. As the closure is currently worded, anglers commonly misunderstand the regulation and commonly call FWP office staff for clarification, who themselves have a difficult time reading and explaining the regulation to these anglers. This regulation change also clarifies the brook trout regulation change that was put in place in 2010, as this regulation is difficult to enforce due to its conflict with the general Combined Trout

regulations for the Western District. This change clarifies the regulation and makes it enforceable. Emily Springs is already closed to fishing, but currently listed on its own, not as an exception under Georgetown Lake. It is included here to lessen confusion over which tributaries are closed.

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NEW

### **GERMAN GULCH**

#### ***Mainstem and tributaries***

- *Catch-and-release for cutthroat trout*

Rationale: As Silver Bow Creek continues to be remediated and restored from past mining damages, a trout fishery has started to establish. FWP's management objective is to promote a westslope cutthroat trout fishery in the upper Silver Bow Creek drainage to the extent practicable. German Gulch has been identified as the single most important tributary for providing cutthroat trout to Silver Bow Creek. This regulation should protect cutthroat trout in German Gulch, while still providing for the harvest of other species including non-native trout (primarily brook trout) by recreational anglers.

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CHANGE – page 36

### **KOOTENAI RIVER**

*As per the District Standard, the Kootenai River is closed to angling for bull trout; any bull trout caught must be immediately released.*

#### **Libby Dam to Highway 37 Bridge, near Fisher River**

- Open June 1 through ~~March 31~~ February 28
- Combined Trout: ~~4~~ 1 daily and in possession, 28 inch minimum length. ~~includes 3 under 13 inches and 1 over 24 inches.~~

#### **Highway 37 Bridge, near Fisher River to Idaho Border**

- Open entire year
- Combined Trout: 4 daily and in possession, includes 3 under 13 inches and 1 over 18 inches.

#### **Kootenai Falls to 0.8 miles downstream of Swinging Bridge**

- Snagging: open for salmon September 15 through November 30.

Rationale: Wardens that patrol the river and biologists receive comments almost daily from anglers that want to protect the trophy rainbow trout below Libby Dam to produce a larger fish. This problem (as described by anglers) has increased as the trophy fishery unique to this section of the Kootenai River gains popularity by word of mouth and press coverage. Four comments were received during the public scoping period regarding this issue. Two commenters asked that more be done to protect the rainbow trout below Libby Dam, and two other comments asked for a slot limit of 10-30 inches. These regulation proposals are intended to maintain larger (trophy sized) rainbow trout in the system for spawning by reducing harvest and adding protection for early spawners in March that are vulnerable to angling.

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**LAKE KOOCANUSA**

- *One line per angler*
- Closed to burbot (ling) fishing January 15 to March 1
- Salmon: 50 daily and 100 in possession
- Bull Trout: *Catch-and-release only. ~~1 daily and in possession from June 1 through February 28, only 1 fish per license year. Catch and release the rest of the year.~~* A Lake Koocanusa Bull Trout Catch Card must be in possession when fishing for bull trout. See Special Licenses requirements for application information. All bull trout must be released immediately ~~or killed and counted as your limit when harvest is allowed.~~ It is unlawful to possess a live bull trout for any reason.
- *Rainbow trout: Adipose clipped (shown by a healed scar) fish less than 22 inches must be released.*

Rationale: *Single line regulation:* The intent of this proposal is to generally require anglers to focus on a target species and decrease the chance that anglers fishing for other species capture bull trout either incidentally or by “prospecting” with the additional line. New survey information shows that anglers fishing with two lines catch bull trout at a rate of 2.4 times more fish than single line anglers. During the Public Scoping Process, anglers were asked if they supported FWP investigating strategies to reduce catch and release mortality for bull trout in Lake Koocanusa. Twelve respondents said they supported such an approach, while 5 were opposed. This proposed change will lead to lower incidence of delayed mortality. *Release of adipose clipped rainbows:* The intent of this is to create the best opportunity for these stocked fish to recruit to trophy size (10+ lbs.). *Eliminate harvest of bull trout:* During the Public Scoping Process anglers were asked if they supported dropping harvest on Lake Koocanusa and Hungry Horse Reservoir. Only seven respondents supported the idea while 12 were opposed. While this shows support for the bull trout fishery, FWP believes efforts are needed immediately to halt the negative population trends. Trend information is based on redd counts and catch per net in spring gill nets in Lake Koocanusa. Wigwam Creek (the most important spawning tributary in British Columbia) redd counts for 2010 were 68 percent of 10 year average and downward trending, and Grave Creek, an important indicator of Montana spawning bull trout was at 69 percent of 10 year average during 2010. In addition, gill net catches in 2011 were at their lowest level since 1993. Given these indices, continued harvest of bull trout is unwarranted until the population trend stabilizes or reverses.

**LAKE MARY RONAN**

- ~~Closed to fishing from midnight to 3 a.m.~~
- Open third Saturday in May through the end of February.
- Open March 1 to third Saturday in May; yellow perch only.
- Salmon: 10 daily and 20 in possession
- Bass: open third Saturday in May through June 30 – 1 over 22 inches. Open July 1 through the end of February – 5 daily and in possession, only 1 over 12 inches. Closed March 1 to the third Saturday in May.

Rationale: The night closure was developed because anglers were fishing for kokanee to midnight to catch one limit, then immediately starting on limit for second day. It was difficult to tell which fish were caught before and after midnight and there was concern about overlimits and overharvest in the face of an illegal perch introduction. The night closure forced anglers to leave the ice and not mix limits. Kokanee population levels have stabilized since then, and there is not currently a need for this closure.

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CHANGE – page 37

#### **LITTLE BITTERROOT LAKE**

- Salmon: 20 daily and 40 in possession, no more than ~~40~~ 2 daily and ~~20~~ 4 in possession over 12 inches.

Rationale: Little Bitterroot Lake is one of a few lakes where kokanee have adapted to the presence of *Mysis* shrimp. A small proportion of the salmon feed on *Mysis* in deep water and grow to large size (12”-22”). It is not known if this is a genetic or learned behavior. Little Bitterroot is a kokanee spawning lake and the hatchery system has focused on trying to increase the proportion of larger kokanee. However, this lake sustained nearly 13,000 days of winter fishing in 2009 with a high percentage directed at the large fish. There are adequate numbers of smaller salmon for this kind of pressure, and although the limit was previously reduced, problems with party fishing and over-possession limits have continued to reduce the number of larger salmon. The proposed regulation would bring harvest in line with the capability of the fishery.

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CHANGE – page 39

#### **NORTH FORK FLATHEAD RIVER**

- Combined trout: 5 daily and in possession.
- Closed to angling June 1 through September 30 within a 150-yard radius of the Big Creek stream mouth *unless posted at a greater distance*.
- Extended season for whitefish and catch-and-release for trout open December 1 to third Saturday in May with artificial lures and/or maggots only.
- Catch-and-release for cutthroat trout
- Montana/Glacier National Park boundary is the middle of the river.

Rationale: The need for this proposed change is due to the fact that anglers persist in trying to fish for pre-spawn bull trout staged at the mouth of Big Creek, and game wardens continue to issue citations to anglers fishing the hole. The location of the hole changes each year, so the flexibility to base the closure on a posted sign rather than a distance from the mouth allows the closure to fully protect the staged bull trout. The current closure at the stream mouth is also worded differently here than under the Big Creek exception, where it is “within 150-yard radius of the stream mouth or as posted.” The phrase “or as posted” has caused problems in the past because the distance from posted signs to the stream mouth changes as water levels in the North Fork and Big Creek change and problems with enforcement have occurred because signs have been moved or torn down. The proposed wording here and for the Big Creek exception will make it clear that 150 yards is the minimal distance, regardless of the absence/presence of signs.

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NEW

### **RACETRACK POND**

- *Catch-and-release for trout, except anglers 14 years of age and younger may take 3 trout daily and in possession.*

Rationale: Racetrack Pond is a newly acquired water by the state. It currently has no special regulations pertaining to it and given the change in ownership and management, regulations are now necessary to regulate harvest in this relatively small water body. Because the pond is small, overharvest of trout could be a concern if left to general regulations. FWP desires to provide some harvest opportunity for youth anglers and the proposed regulations will provide for this.

CHANGE – page 40

### **ROCK CREEK (near Missoula)**

**From the confluence of the East and West forks, near Phillipsburg to the mouth.**

- Extended season for whitefish and catch-and-release for trout open December 1 to the third Saturday in May with artificial lures and/or maggots only.
- Combined Trout: 3 brown trout daily and in possession. ~~none over 12 inches.~~ Catch-and-release for rainbow trout and cutthroat trout.
- Artificial lures only, except anglers 14 years of age and younger may use bait during the general season.
- Closed to fishing from boats/vessels July 1 through November 30.

Rationale: Expansion of brown trout into Rock Creek and a reduction in rainbow trout numbers since the mid- to late 1990s has reduced angling quality, diversity and catch rates. Brown trout already dominate many waters in the drainage, and may be impacting native trout through competition and predation. This regulation would allow more harvest of brown trout where they are abundant and compromising other fishery objectives. Monitoring will be conducted to follow the response of trout populations.

These proposed changes are generally in line with sentiments expressed during the Public Scoping Process. Anglers were asked if they would support expanding harvest on brown trout populations in the Bitterroot River, Rock Creek and the Clark Fork River. 19 respondents gave either a “yes” or “qualified yes” answer to this question, while 11 respondents said “no.” Meetings with angler groups also suggested a dissatisfaction with the size of brown trout, which has declined from an average of 15 inches in 1989 to 10 inches in 2010 in electrofishing surveys, and is probably a function of increased numbers.

NEW

### **SILVERBOW CREEK AND TRIBUTARIES**

***Mainstem and Tributaries***

- *Catch-and-release for cutthroat trout*

Rationale: As Silver Bow Creek continues to be remediated and restored from past mining damages, a trout fishery has started to establish. FWP’s management objective is to try and promote a westslope cutthroat trout fishery in the upper Silver Bow Creek drainage to the extent practicable. Given that anglers are now beginning to target Silver Bow Creek as a trout fishery, it is appropriate to implement an exception to the standard

regulations to help protect and promote a westslope cutthroat fishery in the basin, while still allowing for recreational angling.

CHANGE-page 41

### SWAN LAKE

- Bull trout: *Catch-and-release only. ~~1 daily and in possession.~~* All bull trout must be released immediately ~~or killed and counted as your limit.~~ It is unlawful to possess a live bull trout for any reason.

Rationale: Swan Lake is one of the few waters where bull trout harvest (1 per day and in possession) is still allowed. Bull trout numbers have declined about 30% in recent years since the illegal introduction of lake trout and lake trout suppression netting efforts. Mortality of bull trout must be reduced to stabilize the population. The public agrees with the need to take action: during the recent Public Scoping Process, the public was asked if they felt that FWP should investigate strategies to stabilize numbers of spawning bull trout in the Swan River drainage. Twelve respondents agreed with the need to investigate strategies, while 1 disagreed. Angler harvest is relatively small (about 200 bull trout per year) but the factor easiest to influence. Other methods to reduce angler harvest such as catch cards and closed seasons would be costly, complicated and difficult to enforce. Based on these considerations, FWP is proposing to close the bull trout fishery, but still allow catch-and-release fishing, until spawner numbers stabilize or increase.

CHANGE – page 41

### SWAN RIVER

- Closed to angling June 1 through September 30 within a 150-yard radius of the Woodward Creek and Lion Creek stream mouths, *unless posted at a greater distance.*

Rationale: Pre-spawning adult bull trout stage at the mouths of their spawning tributaries and are very vulnerable to angling. If an area is open to fishing there is no way to distinguish between anglers fishing for bull trout or for other species. Anglers have been observed catching staged bull trout at these locations. The Swan system is already closed to bull trout fishing, but repeated catch and release handling causes unacceptable mortality for a species listed under the Endangered Species Act. The mouth of Woodward Creek is already closed to angling, but the shape of the hole changes from year to year so the flexibility to base the closure on a posted sign is necessary to protect bull trout. Anglers are also targeting the mouth of Lion Creek and given the recent declines in bull trout redds in the Swan drainage, the added protection of pre-spawn bull trout at this location is warranted.

CHANGE – page 42

### WARM SPRINGS CREEK (near Anaconda)

- Open entire year on the Warm Springs Wildlife Management Area (WMA). See Warm Springs WMA for additional regulations.
- Open from the third Saturday in May through November 30 outside the Warm Springs WMA. *Extended season downstream of Meyers Dam: catch-and-release for trout December 1 to third Saturday in May with artificial lures only.*

Rationale: This season extension will expand recreational angling opportunity within and near the community of Anaconda. Trout densities are high in Warm Springs Creek downstream of Meyers Dam, and extending the season to allow catch-and-release angling during this period should have little to no measurable impact on fish populations in the reach. In talking with local anglers, there is an interest in angling here prior to the general opening of fishing season. This was especially noted for youth anglers during the spring. This proposed regulation will provide a legal season for this angling activity.

## **CENTRAL DISTRICT**

CHANGE – page 52

### **Daily and Possession Limits for Catfish**

- ~~20~~ 10 daily and in possession

Rationale: Many anglers have expressed concerns that they are seeing more anglers targeting catfish and feel that the limits need to be reduced accordingly. During the Public Scoping Period, FWP asked the public if they were in favor of reducing the catfish limit, and only 1 of 29 respondents was opposed to the idea. Many of the respondents asked that the limit be reduced to 5 fish daily or that a slot limit be enacted. Eight open houses were held in central and eastern Montana this spring and again there was overwhelming support to reduce the catfish limits. This regulation change would continue to provide a standardized catfish limit in the central and eastern fishing districts while reducing potential impacts from overharvest on this long-lived native species. Biological data is somewhat limited on the catfish populations in central and eastern Montana. In general, based on survey data, the catfish populations appear to be doing well. A creel study conducted on the Missouri River upstream of Fort Peck Dam in 2007 and 2008 found that roughly 50 % of the catfish being harvested were 12 years old and older and many of these fish were over 20 years of age. On a long-lived fish like the catfish it can be a number of years after a problem arises before it shows up in population data. The proposed change is an attempt to get ahead of any problems before they occur.

CHANGE – page 54

### **BEAVERHEAD RIVER**

#### ***Entire River***

- *Combined Trout: 5 daily and in possession, 1 over 18 inches, only 1 may be a rainbow trout.*

#### **~~Clark Canyon Dam to Anderson Lane~~**

- ~~Combined Trout: 3 daily and in possession, only 1 over 18 inches and only 1 rainbow trout.~~

#### **Clark Canyon Dam to Pipe Organ Bridge**

- Open third Saturday in May through November 30.

#### **High Bridge FAS to Henneberry FAS**

- Closed to float fishing by nonresidents and float outfitting on each Saturday from the third Saturday in May through Labor Day.

#### **Henneberry FAS to Pipe Organ Bridge**

- Closed to float fishing by nonresidents and float outfitting on each Sunday from the third Saturday in May through Labor Day.

### **Downstream from Pipe Organ Bridge**

- Open entire year

### **Highway 91 South bridge (Tash Bridge) to Selway Bridge**

- Closed to float outfitting from the third Saturday in May through Labor Day

### **Anderson Lane downstream to mouth (near Twin Bridges)**

- ~~Combined Trout: 5 daily and in possession, 1 over 18 inches, only 1 may be a rainbow trout.~~

Rationale: This regulation replaces a drought regulation (3 trout daily and in possession, only 1 over 18", only 1 rainbow trout) with the regulations that were previously in place on the reach of the Beaverhead River between Clark Canyon Dam and Anderson Lane. This also places the entire Beaverhead River under the same limits thereby simplifying the regulations. Abundances in the upper trend reach of the Beaverhead River have increased to pre-drought levels (~2200 fish per mile), although size structure is skewed toward smaller 12 to 15 inch fish. Management goals of providing a trophy component can be best achieved by reducing the abundance of smaller fish to improve growth rates and abundances of large trophy fish. Because we are no longer in a drought and abundances have increased dramatically in response to good water years there is no need to continue to enforce drought regulations on this reach of river.

CHANGE – page 57

### **BIGHORN LAKE AND AFTERBAY RESERVOIR**

- Bass: 6 daily and 12 in possession
- Shovelnose sturgeon: 2 daily and in possession
- Sauger/Walleye: ~~5~~ 6 daily (only ~~2~~ 3 may be sauger) and ~~10~~ 12 in possession (only ~~2~~ 3 may be sauger).
- Catfish: 6 daily and in possession
- Burbot (ling): 3 daily and in possession
- Hook and Line: 2 lines with 2 hooks per line on open water and 6 lines with 1 hook per line through the ice.
- Anglers obtaining live baitfish in Montana may use them only in the Montana portion of the lake.

Rationale: This regulation proposal is the same change in the sauger/walleye limit that Wyoming Game and Fish has presented to their commission for Bighorn Lake beginning in 2012. MT and WY have always strived to maintain consistent angling regulations throughout the entire lake so anglers do not have to worry about which side of the state border they are on if they have licenses for both states. Management emphasis has shifted on Bighorn Lake with plans to manage it for sauger. Sauger populations are currently doing very well in the lake and anglers often catch more sauger than walleye. This change will allow anglers to harvest an additional sauger when fishing the lake and many anglers have been asking for this increase.

CHANGE – page 57

### **BIG SHEEP CREEK AND ~~TRIBUTARIES~~ (Beaverhead River drainage)**

- Combined Trout: includes cutthroat trout ~~except it is catch and release for cutthroat trout in Meadow, Muddy and Simpson creeks.~~

Rationale: This regulation has caused confusion for anglers because it provides an exception to the Standard Regulation pertaining to cutthroat trout harvest and then lists several exceptions to the exception on certain tributary streams. This regulation change is intended to remove the confusion, but by doing so eliminates the opportunity to harvest cutthroat trout on some tributaries to Big Sheep Creek.

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CHANGE –page 58

**BLACKTAIL DEER CREEK AND TRIBUTARIES (Beaverhead River drainage)**

- Combined Trout: Includes cutthroat trout ~~except it is catch and release for cutthroat trout in Cottonwood, Jake and Rock creeks, and the two Rock Creek reservoirs on Robb-Ledford WMA.~~

Rationale: This regulation has caused confusion for anglers because it provides an exception to the Standard Regulation pertaining to cutthroat trout harvest and then lists several exceptions to the exception on certain tributary streams. This regulation change is intended to remove the confusion, but by doing so eliminates the opportunity to harvest cutthroat trout on tributaries of Blacktail Deer Creek.

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CHANGE – page 59

**CLARK CANYON RESERVOIR**

- Burbot (ling): 3 daily and in possession, only 1 over 28 inches.
- Combined Trout: 3 daily and in possession, ~~only 1 over 23 inches.~~

Rationale: This regulation replaces a drought regulation (3 trout daily and in possession, only 1 over 23”) with the regulations that were previously in place on Clark Canyon Reservoir. This regulation was in place specifically to protect the large wild brown trout and older, large hatchery-origin rainbow trout that were concentrated and more highly susceptible to angling at the dramatically reduced reservoir elevations experienced during the early 2000’s. Clark Canyon Reservoir is presently in its flood pool, fish are no longer concentrated, and there is accordingly no need to continue to enforce drought regulations on this reservoir. Angler phone calls/interactions have been in favor of making this regulation change because of perceived mortality during release of fish over 23 inches.

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CHANGE – page 62

**HELENA VALLEY REGULATING RESERVOIR**

- Snagging: open for salmon September 1 through October 31, 35 salmon daily and 70 in possession.
- *Snagging limits also apply to the irrigation canal in the area from the discharge outlet to 400 yards downstream.*

Rationale: This proposal clarifies the area open for snagging for salmon. The limit should be consistent throughout the area of the Regulating Reservoir that is available to anglers, as there is no difference biologically between salmon in the Regulating Reservoir and the discharge outlet irrigation canal. Currently the legal limit in the canal is under the District-wide standard which is 10 daily and in possession. Enforcement staff have noted the inconsistency in the regulations and anglers have questioned fisheries staff.

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## MISSOURI RIVER

### **Holter Dam to ~~mouth of Dearborn River~~ Cascade Bridge**

- Combined Trout: 1 ~~rainbow trout (any size)~~ daily and in possession. and 1 ~~brown trout (22-inch minimum)~~ daily and in possession.
- Walleye: No limit.

### **Craig Bridge to Sheep Creek Bridge**

- ~~Spearing open for up to 5 whitefish daily with rubber or spring propelled spears by persons swimming or submerged.~~

### **~~Mouth of Dearborn River to Cascade Bridge~~**

- ~~Combined Trout: 3 rainbow trout daily and in possession, only 1 over 16 inches and 1 brown trout daily and in possession, 22-inch minimum.~~
- ~~Walleye: No Limit.~~

*Rationale: Trout Limit Change:* There is no current biological need for different regulations in these two reaches of the river (Holter Dam to the Dearborn and the Dearborn to Cascade Bridge). The regulation change will simplify and standardize the trout regulations on the river by combining these two reaches. The proposed trout limit of 1 will restrict the number of rainbow trout each angler can keep over the entire reach when compared to current regulations which allow an angler to keep one rainbow trout any size upstream of the Dearborn and three rainbow trout, only one over 16 inches downstream of the Dearborn. Conversely, combining the rainbow and brown trout limit while eliminating the minimum size restriction on brown trout (22-inch minimum) will significantly expand the opportunities to harvest a brown trout. This is because data from population surveys show that only 0.9% of the fish handled are available for harvest with the current 22-inch minimum. Therefore, even though this proposed trout limit will change harvest opportunities for both species, the creel data collected under existing regulations suggest that angler behavior leans heavily toward catch-and-release and most anglers' harvest practices will not be affected. In the creel, only 3% of rainbow trout caught above the Dearborn and 8% below the Dearborn were harvested, while brown trout harvest rates averaged 1% and 1.5%, respectively, in the two reaches.

*Spearfishing Change:* The Craig Bridge to Sheep Creek Bridge spearfishing regulation was originally requested by a group of local divers. The group does not appear to be active anymore, which makes the regulation unneeded and is proposed for deletion. These proposed changes are generally in line with sentiments expressed during the Public Scoping Process. Anglers were asked if they would support simplification and standardization of regulations on the Missouri and Smith Rivers. 13 respondents gave either a "yes" or "qualified yes" answer to this question, while only 1 respondent said "no." When asked if anglers thought spearfishing on the Missouri River is appropriate, 12 respondents gave a "no," while no one spoke in favor of the existing regulation.

## NEW

### **ROCK CREEK RESERVOIRS (Robb-Ledford Game Range)**

- Catch-and-release for cutthroat trout

*Rationale:* This is not a new regulation, and is currently listed under Blacktail Deer Creek and Tributaries. Listing it as a stand-alone regulation exception is intended to avoid confusion among anglers.



CHANGE –page 69

### **RUBY RIVER AND TRIBUTARIES**

#### **Upstream from Ruby Reservoir**

- Combined Trout: includes cutthroat trout. ~~except catch-and-release for cutthroat trout in Cottonwood (near Cottonwood Camp), Geyser, Greenhorn, Idaho, Robb, Sweetwater and Whitebear creeks.~~

#### **Downstream from Ruby Dam**

- Closed entire year just below Ruby Dam (that portion of the Ruby River from its confluence with the Ruby Dam outlet channel upstream to the dam, including the outlet channel).
- Extended season for whitefish and catch-and-release for trout open December 1 to third Saturday in May with artificial lures and/or maggots only.

Rationale: This regulation has caused confusion for anglers because it provides an exception to the Standard Regulation pertaining to cutthroat trout harvest and then lists several exceptions to the exception on certain tributary streams. This regulation change is intended to remove the confusion, but by doing so eliminates the opportunity to harvest cutthroat trout on tributaries of the upper Ruby River.

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CHANGE – page 72

### **TRAIL CREEK AND TRIBUTARIES (Beaverhead River drainage)**

- Combined Trout: includes cutthroat trout, ~~except catch-and-release for cutthroat trout on Bear Creek.~~

Rationale: This regulation has caused confusion for anglers because it provides an exception to the Standard Regulation pertaining to cutthroat trout harvest and then lists several exceptions to the exception on certain tributary streams. This regulation change is intended to remove the confusion, and by doing so eliminates the opportunity to harvest cutthroat trout on tributaries to Trail Creek.

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CHANGE – page 74

### **YELLOWSTONE RIVER**

#### **--CURRENT--**

##### **Yellowstone National Park Boundary to I-90 Bridge at Billings**

- Open entire year
- Combined Trout: 4 brown trout and/or rainbow trout daily and in possession, only 3 under 18 inches and 1 over 26 inches. All fish between 18 and 26 inches must be released. Catch-and-release for cutthroat trout.
- Hook and Line: 2 lines with 2 hooks per line all year from the mouth of the Clarks Fork River to the I-90 Bridge at Billings

**--PROPOSED ALTERNATIVE 1--** will make the following changes to the Combined Trout exception:

- Combined Trout: 4 brown trout and/or rainbow trout daily and in possession, only 3 under 18 inches and 1 over 22 inches. All fish between 18 and 22 inches must be released. Catch-and-release for cutthroat trout.

**--PROPOSED ALTERNATIVE 2--** will make the following changes to the Combined Trout exception:

- Combined Trout: 5 brown trout and/or rainbow trout daily and in possession, only 1 over 18 inches. Catch-and-release for cutthroat trout.

Rationale: The current combined trout regulation has been in place for one year. Numerous anglers have complained that when this regulation was first proposed to the FWP Commission in August 2010, it was not widely disseminated for public comment and their views were not heard. Further dissatisfaction was expressed during the Public Scoping Process this spring, where 30 commenters asked for a change in the regulation (9 wanted the new regulation rescinded, and 20 wanted it replaced with the regulation in place before 2007--5 brown trout and/or rainbow trout daily and in possession, only 1 over 18 inches). Only 1 commenter spoke in favor of the existing regulation. FWP also received an additional 112 comments this spring (during an open house in Billings, an impromptu meeting at the FWP office in Billings, and a signed a letter) asking for a change to the regulation--most commenters wanted a return to the pre-2007 regulation. Based on all these comments, FWP proposes two alternatives for public review and comment. Alternative 1 would maintain the current limits, but would narrow the slot limit from 18-26 inches to 18-22 inches. Alternative 2 would revert to the regulation in place prior to 2007. Based on public comment, the FWP Commission will adopt one of these alternatives (or a modified version) at the October 13 Commission meeting.

## **EASTERN DISTRICT**

CHANGE – page 83

### **Daily and Possession Limits for Catfish**

- ~~20~~ 10 daily and in possession

Rationale: Many anglers have expressed concerns that they are seeing more anglers targeting catfish and feel that the limits need to be reduced accordingly. During the Public Scoping Period, FWP asked the public if they were in favor of reducing the catfish limit, and only 1 of 29 respondents was opposed to the idea. Many of the respondents asked that the limit be reduced to 5 fish daily or that a slot limit be enacted. Eight open houses were held in central and eastern Montana this spring and again there was overwhelming support to reduce the catfish limits, although there was some opposition to a reduction expressed by hoop netters. This regulation change would continue to provide a standardized catfish limit in the central and eastern fishing districts while reducing potential impacts from overharvest on this long-lived native species. Biological data is somewhat limited on the catfish populations in central and eastern Montana. In general, based on survey data, the catfish populations appear to be doing well. A creel study conducted on the Missouri River upstream of Fort Peck Dam in 2007 and 2008 found that roughly 50 % of the catfish being harvested were 12 years old and older and many of these fish were over 20 years of age. On a long-lived fish like the catfish it can be a number of years after a problem arises before it really shows up in population data. The proposed change is an attempt to get ahead of any problems before they occur.

NEW

### **BOXELDER RESERVOIR**

- *Yellow Perch: 25 daily and 50 in possession*

Rationale: Gillnetting data supports claims from anglers that the yellow perch population has declined, and that this is due to overharvesting by anglers. FWP hosted an open house in Plentywood in early 2011 where attendance was excellent. Broad-based support was expressed for this proposed change, as this has been a destination winter perch fishery in the past and is viewed as a positive for area youth and for the local economy.

CHANGE – page 86

### **TONGUE RIVER**

#### ***Tongue River Reservoir to Wyoming State Border***

- *Sauger/Walleye: 5 daily (only 1 may be a sauger) and 10 in possession (only 2 may be sauger).*

#### **Twelve Mile Dam Fishing Access Site (T&Y Dam)**

- Hook and Line/Setlines: 2 lines with 2 hooks per line all year.

CHANGE – page 86

### **TONGUE RIVER RESERVOIR**

- Crappie: 30 daily and 60 in possession
- Hook and Line/Setlines: 6 lines with 6 hooks per line through the ice.
- *Sauger/Walleye: 5 daily (only 1 may be a sauger) and 10 in possession (only 2 may be sauger).*

Rationale: The sauger population in the Tongue River Reservoir has declined significantly since the 1970s. Between 1975-1977, an average of 182 sauger were caught annually in gill nets in the reservoir, while during the years 1990-2010 an average of only 0.5 per year were caught. Sampling that was initiated in the late 1990's in the Tongue River upstream of Tongue River Reservoir has documented a small adult sauger population. Measures must be taken to stabilize this population, and angler-induced mortality should be limited while other conservation measures are explored. This proposed regulation will be an exception to the District-wide standard (Sauger/Walleye: 5 daily and 10 in possession) and should reduce total angler harvest but still maintain the angler's opportunity for a daily harvest of one sauger while fishing for other species like walleye.